

★ MAY 23 2012 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GEORGE FILIPPONE,

Plaintiff,

-against-

SUFFOLK COUNTY CORRECTIONAL FACILITY,

Defendant.
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FEUERSTEIN, J.

LONG ISLAND OFFICE

11-CV-4937(SJF)(AKT)
ORDER

I. Introduction

On October 7, 2011, incarcerated *pro se* plaintiff George Filippone ("plaintiff") filed a complaint pursuant to 42 U.S.C. § 1983 ("Section 1983") against defendant Suffolk County Correctional Facility ("SCCF"), accompanied by an application to proceed *in forma pauperis*. By order dated February 14, 2012, plaintiff's application to proceed *in forma pauperis* was granted, plaintiff's claims against the SCCF were *sua sponte* dismissed with prejudice pursuant to 28 U.S.C. §§ 1915A and 1915(e)(2)(B), and plaintiff was granted leave to file an amended complaint in accordance with that order on or before March 19, 2012 or his complaint would be deemed dismissed in its entirety with prejudice. On February 16, 2012, the Clerk of the Court served notice of entry of the order upon plaintiff by mailing a copy thereof to his address of record pursuant to Rule 5(b)(2)(C) of the Federal Rules of Civil Procedure. To date, plaintiff has not filed an amended complaint in accordance with the February 14, 2012 order, nor sought an extension of time to do so. Accordingly, for the reasons set forth in the February 14, 2012 order, the complaint is dismissed with prejudice. The Clerk of the Court is directed to close this case and serve notice of entry of this Order in accordance with Rule 77(d)(1) of the Federal Rules of Civil Procedure, including mailing a copy of the Order to the *pro se* plaintiff at his last known address, *see* Fed. R.

Civ. P. 5(b)(2)(C).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed.2d 21 (1962).

SO ORDERED.

s/ Sandra J. Feuerstein

Sandra J. Feuerstein
United States District Judge

Dated: May 23, 2012
Central Islip, New York